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**MINUTES of the COMPLAINTS COMMITTEE MEETING**  
**Wednesday 9 October 2019 at 10.30am**  
Gate House, 1 Farringdon Street, London EC4M 7LG

**Present**

Alan Moses (Chairman)  
Richard Best  
Nazir Afzal  
Andrew Brennan  
Lara Fielden  
Janette Harkess  
David Hutton  
Helyn Mensah  
Mark Payton  
Andrew Pettie  
Miranda Winram  
Peter Wright

**In attendance:**

Michelle Kuhler, PA and minute taker  
Holly Pick, Joint Head of Complaints  
Lauren Sloan, Joint Head of Complaints

**Also present: Members of the Executive:**

Rosemary Douce  
Hanno Fenech  
Darryl Garvey  
Alice Gould  
Vikki Julian  
Sophie Malleson  
Thomas Moseley  
Sean Sutherland

**Observers:**

Lord Edward Faulks, QC

1. Apologies for Absence

Apologies were received from Matt Tee.

2. Declarations of Interest

Peter Wright declared an interest in item 11, and left the meeting for this item.

3. Minutes of the Previous Meeting

The Committee approved the minutes of the meeting held on 4 September.

4. Update by the Chairman – oral

The Chairman welcomed Edwards Faulks to the meeting. He also welcomed Hanno Fenech, IPSO's new Standards and Communications Officer to the meeting.

The Chairman updated the Committee on recent events, reminding the Committee of the 5<sup>th</sup> Anniversary event being held on 29<sup>th</sup> October at Stationers Hall.

5. Matters arising

There were no matters arising.

6. Complaint 04631-19 Conway v dailyrecord.co.uk

The Committee discussed the complaint and ruled that the complaint should not be upheld. A copy of its ruling appears in **Appendix A**.

7. Complaint 02851-19 Mulliss v The Sun

The Committee discussed the complaint and ruled that the complaint should not be upheld. A copy of its ruling appears in **Appendix B**.

8. Complaint 03497-19 Club 1872 v dailyrecord.co.uk

The Committee discussed the complaint and decided that further information should be obtained from the newspaper before a decision could be finalized.

9. Complaint 04850-19 Young v Teeside Live

The Committee discussed the complaint and ruled that the complaint should not be upheld. A copy of its ruling appears in **Appendix C**.

10. Complaint 02021-19 A woman and a man v The Bolton News

The Committee discussed the complaint and ruled that the complaint should not be upheld. A copy of its ruling appears in **Appendix D**.

11. Complaint 05046-19 Powell-Smith v The Mail on Sunday

The Committee discussed the complaint and ruled that the complaint should be upheld. A copy of its ruling appears in **Appendix E**.

12. Discussion paper: Reporting on Islam and Muslims in the UK.

The Chairman introduced the paper, informing the Committee of the recent meeting held with the Society of Editors and a number of newspaper editors. He took questions from Committee Members and finished by asking them to submit any suggestions on the draft via email to Charlotte Urwin, Head of Standards.

13. Complaints not adjudicated at a Complaints Committee meeting

The Committee confirmed its formal approval of the papers listed in **Appendix A**.

14. Any other business

There were no other business.

15. Date of next meeting

The date of the next meeting was confirmed as Wednesday 13th November 2019.

The meeting ended at 13:10pm

## Appendix A

### Decision of the Complaints Committee 04631-19 Conway v dailyrecord.co.uk Summary of Complaint

1. Shawn Conway complained to the Independent Press Standards Organisation that the dailyrecord.co.uk breached Clause 1 (Accuracy) and Clause 10 (Clandestine devices and subterfuge) of the Editors' Code of Practice in an article headlined "Illegal cannabis flowers sold by rogue Scottish vape shops flaunting drugs laws", published on 9 June 2019.
2. The article reported that vape shops had been breaking drug laws by selling cannabis flowers, which it said contained "mind-altering tetrahydro-cannabinol (THC)" and could be "vaped, smoked, or eaten by users to get a high". It said that "vendors face jail by offering customers the Class B substance" and that "cannabis flowers are illegal to sell under the Misuse of Drugs Act 1971". It said that the police had been informed of a number of outlets selling the flowers; when a reporter from the publication visited a shop in Glasgow, she was able to buy 3.5g of dried cannabis plant cuttings for £30. It said that the shop assistant told the reporter "You can smoke this, put it in a dry vape, or even eat it if you want".
3. The article included a number of quotes – including from a cannabis reform group, an MSP, the CEO of the Scottish Drugs Forum – stating that the sale of cannabis flowers was illegal. There was also a quote from Police Scotland, stating that "Anyone selling cannabis flowers is committing an offence. We'd encourage vendors to make sure they know exactly what they are selling". The article also included a comment from the owner of the shop visited by the reporter, who said that the cannabis flowers he sells in his shops are "legal to the highest extent of the law" and that the Misuse of Drugs Act 1971 was outdated, adding "If we ever got taken to court for something like this, we'd appeal the case to the High Court and then UK Supreme Court. Then it would go to the EU Supreme Court. They'd chuck the case out like a rotten tomato."
4. The complainant, the owner of the shop visited by the reporter, said that the article was inaccurate to report that his business was acting illegally by selling cannabis flowers. He said that the flowers sold by his business contained less than 0.2% THC, and as such had been ruled by the EU Supreme Court as to be exempt from criminal drugs laws. He acknowledged that there was a conflict between the Misuse of Drugs Act 1971 and EU law in relation to cannabis products such as the flowers, however he said that EU law overrides UK law, and so would render any prohibition set out by the Misuse of Drugs Act invalid. He also said that he had received assurances from both Police Scotland and the Scottish Government that after inspecting his products, they had "no plans to execute any seizures or investigation into [complainant's business]". However, he declined to provide any written evidence of this.

5. He also said that it was not the case that the flowers could get people “high” as the level of THC they contain is too low to have any mind-altering affect. He said that these points were explained to the publication in a phone call prior to publication. Finally, the complainant said that the article had fabricated a quote attributed to one of his employees; the shop assistant told the reporter when she asked if she could smoke the flowers that due to the current legislative grey area, “the products are not for human consumption”, and it was in fact a member of the public who had overheard the conversation who told the reporter that he had tried smoking and eating the products. The complainant also commented on a recent UK court case in which a person appeared to have been convicted for selling cannabis flowers, and recent Home Office guidance which appeared to state that the flowers were illegal; he said that this guidance was inaccurate in light of the recent EU ruling, and should the person wish to appeal his conviction, this would be overruled by the EU Supreme Court.

6. The complainant said that the article and approach by the reporter breached Clause 10. He said that the reporter visited his shop, posed as a customer, and made journalistic enquiries about the flowers, including asking a shop assistant if she could smoke the products and whether the product was cannabis. He said that at no time did the reporter identify herself as a journalist.

7. The publication did not accept that there was any breach of the Code. It said that it had received information from Trading Standards that a number of vape shops had started selling cannabis flowers. It said that the Misuse of Drugs Act clearly listed “cannabis and cannabis resin” as a class B controlled drug, and this included cannabis flowers. It said that the level of THC in the flower was irrelevant; it constituted part of the cannabis plant and was therefore illegal. Furthermore, the publication provided guidance issued by an organisation which campaigned to end the prohibition of cannabis entitled “WARNING: CBD Flowers, Buds, Weed, Hash Are NOT Legal In The UK” and noted the statement from Police Scotland included in the article which made clear that the sale of cannabis flowers was an offence. In relation to the complainant’s reference to EU law, the publication said that it was not automatic that an EU ruling should override a member state’s domestic policy, in particular with regards to topics of national security such as drugs policy. It also provided specific guidance from the European Monitoring Centre for Drugs and Drug Addiction which made clear that Member States’ responses to the legality of cannabis can vary.

8. The publication did not accept that it was inaccurate to report that the flowers could be consumed in order to “get a high”; it noted that the product description for the flowers available on the complainant’s business’ website claims it “delivers a soothing, creative euphoria”. The publication said that there was no recording of the quote attributed to the shop assistant, and did not provide any notes to support the article’s claim.

9. The publication did not accept that the terms of Clause 10 were engaged. It accepted that the reporter visited the complainant’s business in a journalistic capacity for the purposes of writing an article, however it said that there were no clandestine devices used by the reporter, or deceit or subterfuge in her simply entering a shop and making a

purchase, the same way any other member of the public would. There was no requirement for the reporter to discuss, hide or reveal her identity to the complainant by making a transaction in his shop, and said that Clause 10 would only have been engaged if she had denied being a reporter after being asked directly by the complainant. Nevertheless, it said that there was a public interest in exposing the illegality of selling cannabis flowers.

#### Relevant Code Provision

##### Clause 1 (Accuracy)

- i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.
- ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.
- iii) A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.
- iv) The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact.

##### Clause 10 \*(Clandestine devices and subterfuge)

- i) The press must not seek to obtain or publish material acquired by using hidden cameras or clandestine listening devices; or by intercepting private or mobile telephone calls, messages or emails; or by the unauthorised removal of documents or photographs; or by accessing digitally-held information without consent.
- ii) Engaging in misrepresentation or subterfuge, including by agents or intermediaries, can generally be justified only in the public interest and then only when the material cannot be obtained by other means.

#### The Public interest

There may be exceptions to the clauses marked \* where they can be demonstrated to be in the public interest.

1. The public interest includes, but is not confined to:

- Detecting or exposing crime, or the threat of crime, or serious impropriety.
- Protecting public health or safety.
- Protecting the public from being misled by an action or statement of an individual or organisation.

- Disclosing a person or organisation's failure or likely failure to comply with any obligation to which they are subject.
- Disclosing a miscarriage of justice.
- Raising or contributing to a matter of public debate, including serious cases of impropriety, unethical conduct or incompetence concerning the public.
- Disclosing concealment, or likely concealment, of any of the above.

2. There is a public interest in freedom of expression itself.

3. The regulator will consider the extent to which material is already in the public domain or will become so.

4. Editors invoking the public interest will need to demonstrate that they reasonably believed publication - or journalistic activity taken with a view to publication – would both serve, and be proportionate to, the public interest and explain how they reached that decision at the time.

#### Findings of the Committee

10. In relation to the claim that the cannabis flowers which the complainant offered for sale were illegal, the article had explained that it was illegal to sell cannabis flowers under the Misuse of Drugs Act 1971. The article also included a quote from Police Scotland, that "Anyone selling cannabis flowers is committing an offence. We'd encourage vendors to make sure they know exactly what they are selling". Whilst the Committee noted the complainant's position that the flowers he sold contained less than 0.2% THC and his reliance upon EU law, the article had explained the legal position under the Misuse of Drugs Act 1971; it was not inaccurate to report that the cannabis flowers sold by the complainant's business were "illegal". There was no failure to take care over the accuracy of the article on this point and no breach of Clause 1(i). The report did not contain a significant inaccuracy which required correction under the terms of Clause 1(ii).

11. The article had explained that the buds from cannabis flowers contained THC and could be used to "get a high"; the reference was not made specifically in relation to the products which were sold by the complainant. Further, the Committee noted that the complainant advertised the flowers he sold as delivering "a soothing, creative euphoria". In these circumstances, it was not misleading for the article to report that cannabis flower buds could give "a high". There was no breach of Clause 1 on this point.

12. The Committee was concerned that the publication had been unable to provide any notes or record of the quote attributed to the shop assistant. The Committee noted the complainant's position that his products were not sold for human consumption, but the Committee also noted the advertising for the product which claimed that they could produce a "soothing, creative euphoria". Furthermore, the Committee took into account that the alleged inaccuracy did not affect the central claim that the sale of cannabis flowers in the complainant's shop is illegal under the Misuse of Drugs Act 1971 regardless of whether they were being sold for consumption. In this context, the attribution of the quote

to the shop assistant did not represent a significant inaccuracy, and there was no breach of Clause 1 on this point.

13. The Committee then considered the complaint brought under Clause 10. The publication had argued that the terms of Clause 10 were not engaged. However, the reporter had asked questions in her capacity as a journalist, in preparation of an article on the topic of cannabis flowers; the employees of the complainant's business were under the impression that the reporter was a member of the public, and so the Committee was satisfied that the terms of Clause 10 were engaged.

14. The Committee considered that the level of subterfuge or misrepresentation a reporter may engage in falls on a sliding scale. In this instance, the reporter had engaged in a very low level of subterfuge; she had simply acted as a customer, and had not used hidden cameras or clandestine listening devices or accessed information not accessible to the general public. Furthermore, she had not actively concealed her identity as a journalist by constructing a false identity or denying she was a journalist.

15. Clause 10 requires a proportionate public interest defence. Therefore having found that the Code was engaged to a limited degree, the Committee then turned to whether the journalistic activity engaged in, and subsequent publication of the story, both served and was proportionate to the public interest. The reporter had received information from Trading Standards informing her that businesses had been openly selling cannabis flowers, and the complainant's business was identified as one of these businesses through the advertising which appeared on its website. It was reasonable for the reporter to pose as a customer where the business was suspected of acting illegally; an open approach may not have resulted in the same information being gathered that a customer would have received. There was a public interest in publishing the information which had been acquired by the approach, namely that cannabis flowers were being sold openly in the complainant's shop. For these reasons, the actions taken by the reporter, and the decision to publish the information she gathered, was justified in the public interest. There was no breach of Clause 10.

#### Conclusions

16. The complaint was not upheld.

#### Remedial Action

17. N/A



## Appendix B

### Decision of the Complaints Committee 02851-19 Mulliss v The Sun

#### Summary of Complaint

1. Joanne Mulliss complained to the Independent Press Standards Organisation that The Sun breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headline "Stabbed in heart in love triangle inferno" published on 27 March 2019, and that the conduct of a reporter acting on behalf of The Sun breached Clause 3 (Harassment) and Clause 4 (Intrusion into grief or shock).

2. The article reported on an inquest into the deaths of three people who had died in a house fire on 1 January 2019: Billy Hicks, and a named man and woman. The inquest heard that Billy Hicks had been stabbed in the heart before the fire started, and the article reported that the local Detective Chief Inspector had said that the other man who died would have been arrested on suspicion of murder if he had survived the blaze. This was also corroborated by a quote from a survivor of the blaze, who claimed in the immediate aftermath of the fire that this other man whom she described as the woman's "psycho ex" started the fire, yelling "no one else will have you". The article reported that this version of events had not been confirmed at the inquest. The article also briefly set out the relationship between the three people who died; it described Mr Hicks as the "knifed" "ex-boyfriend" and the woman as his "ex" and "ex-lover". It described the other man who died as the "murderer", "new love" and "new lover". It reported that the incident occurred at a New Year's Eve party, and that the house was owned by the woman's parents, who rented it out to her and her "pals". The article also reported that relatives of the three wept in court.

3. The complainant, the sister of Billy Hicks, said that the article was inaccurate in breach of Clause 1 (Accuracy). She said that her brother was not the "ex" of the woman who died, and the other man who died was not her "new lover". Furthermore, quoting the survivor who had blamed a "psycho ex" could have given the misleading impression that they were referring to her brother as he was described elsewhere in the article as the "ex". She said that these descriptions of the three individuals were not heard at the inquest, and neither was the claim that the person who had allegedly started the fire had shouted "no one else will have you". The complainant also said that it was inaccurate to state that there was a party on the night of the fire, or that the house was rented out to the woman's "pals" – she said that the woman had not known the people she lived with until they moved in. The complainant said that she was present at the inquest, and neither her nor any members of her family had cried during proceedings.

4. The complainant also said that the conduct of a journalist acting on behalf of the publication breached Clause 3 (Harassment) and Clause 4 (Intrusion into grief or shock). She said that a reporter acting on behalf of The Sun had visited the family home on 3 January, a day after her brother had died. She said that this reporter had asked to speak

to her brother; she told him to leave and that she would be making no comment. She said that the reporter then asked the complainant whether her brother was dead; he then left.

5. She said that she believed that the same journalist returned on the morning of the 4 January, sometime before noon. She said that the person drove towards her house and when he got out of his car and approached the property, she told him that she had already told him to leave; he then left. She also said that any approach was deliberate as her house was remote and at the end of a long private road; furthermore, she knew that this was the same person as before as he had a similar appearance and car to the first reporter.

6. The publication expressed its sympathies to the complainant and her family, but did not accept that there was any breach of the Code. It did not accept that the article was inaccurate. It said that it had been widely reported that Billy was the former boyfriend of the woman who died; the article did not say that this had been heard at the inquest. It provided examples of where this claim had been published in other articles, and noted that one of them included a lengthy quote from a named friend of the complainant's brother, which went into detail about Mr Hicks' relationship with the woman who died. These articles also reported the allegations included in the article about the man who died who was described as the woman's "new lover"; the article under complaint also attributed this claim to a survivor of the fire and did not report that this was heard or proved at the inquest. The other articles provided by the publication reported that the house was owned by the parents of the woman who died and rented out to her and her housemates. The publication also said that the reporter spoke to the deceased's neighbours on the night of the fire who said that there had been an "after-party"; nevertheless, it said that any inaccuracy on this point was not significant in the context of the overall article. Finally, it noted that the article did not state that the complainant or her family cried at the inquest.

7. The publication did not accept that the reporter's visit to the complainant's house on the 3 January represented a breach of the Code. It said that the reporter was trying to speak with Mr Hicks as a person known to have been involved in the incident, not with the complainant. The reporter was unaware that Mr Hicks may have died, and would not have made the approach if he had known this. It said that this was extremely regrettable and empathised at how distressing the approach would have been to the complainant. The publication said that the reporter asked to speak to Mr Hicks, the complainant told him "please leave, no comment" and the reporter responded with "Why? Is Billy not here?". The publication did not accept that this represented a failure to respect a request to desist because a further question was reasonable where the reporter had been looking to speak with Mr Hicks rather than the complainant, and had been told to leave without any explanation as to why he was unavailable. When the complainant asked him to leave again, and the reporter realised from her expression that Mr Hicks may have died, he did so immediately. The publication said that the reporter did not ask the complainant any questions about the fire, and to the best of his recollection, did not ask her whether Mr Hicks had died. It said that the reporter did record the conversation, but unfortunately switched dictaphones shortly afterwards, so was not able to provide a recording to IPSO.

8. The publication said that the complainant became distressed following this approach and shouted at the reporter as he was leaving, making him feel intimidated. This, coupled with the remote location of the house and the Code obligations, meant that he was simply too frightened to return a second time. It said that the reporter called another reporter from a separate agency and advised him to be careful if approaching the house, and not to contact the family on behalf of The Sun.

9. The publication did not accept that a reporter acting on behalf of the publication visited the complainant again on 4 January. The publication said that it was simply not possible for the same reporter to have approached the complainant at this time; he was sending emails from his laptop throughout the morning of the 4 January, and the longest gap between these emails would not have given the reporter enough time to drive to the complainant's house as alleged. Furthermore, it said that as the story was relatively low profile, he had commissioned a freelancer to work on the day the complainant alleged a second approach took place and that the freelancer had not approached the complainant on behalf of The Sun.

10. The publication acknowledged that the complainant had been distressed by the approach, and offered to write her a private letter of apology. This was declined.

#### Relevant Code Provisions

##### 11. Clause 1 (Accuracy)

i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.

ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.

##### Clause 3 (Harassment)\*

i) Journalists must not engage in intimidation, harassment or persistent pursuit.

ii) They must not persist in questioning, telephoning, pursuing or photographing individuals once asked to desist; nor remain on property when asked to leave and must not follow them. If requested, they must identify themselves and whom they represent.

iii) Editors must ensure these principles are observed by those working for them and take care not to use non-compliant material from other sources.

##### Clause 4 (Intrusion into grief or shock)

In cases involving personal grief or shock, enquiries and approaches must be made with sympathy and discretion and publication handled sensitively. These provisions should not restrict the right to report legal proceedings.

#### Findings of the Committee

12. The publication had provided examples of other articles where it had been reported that Mr Hicks had previously been in a relationship with the woman who died, and noted that this had also appeared on Mr Hicks' Facebook profile. The publication was entitled to rely on these sources of information; there was no suggestion that they had been subject to a complaint or correction from the complainant. The complainant disputed that the other man was the "new lover" of the woman who died, however, she did not provide any basis to support this position. There were no grounds to find any breach of Clause 1 on this point.

13. The Committee recognised that describing the other man who died, who was alleged to have stabbed Mr Hicks and started the fire, as both the woman's "psycho ex" and "new lover" had the potential to cause confusion; however where the article explicitly described the other man as the "murderer" and Mr Hicks as being "knifed", the Committee considered that this made clear the alleged course of events. There was no misleading impression as suggested by the complainant, and no breach of Clause 1.

14. The article did not report that the claim that the other man had started the fire or shouted "no one else will have you" was heard at the inquest, and indeed made clear that this did not form part of inquest proceedings. There was no inaccuracy on this point, and no breach of Clause 1.

15. The Committee considered that whether there was a party on the night of the fire, or whether the house was rented to the woman's "pals" was not significant to the overall story or alleged course of events. There was no significant inaccuracy on this point as to require correction, and no breach of Clause 1.

16. Finally, the article did not report that the complainant's family specifically had cried during inquest proceedings and the complainant did not dispute that families of the two other people who died may have been present during proceedings. The article did not give the impression as suggested by the complainant and there was no inaccuracy, and no breach of Clause 1.

17. The Committee recognised that reporters often approach family or friends for comments following a traumatic incident or sudden death, as people may want to pay tribute to a person who has died or tell of their own experiences. In this case, the reporter had approached the complainant's home with the intention of speaking to Mr Hicks because he had been in a relationship with the woman who died.

18. The reporter had spoken with the complainant, asking to speak with Mr Hicks. Although it was accepted that he had asked a question regarding Mr Hicks after the

complainant had told him to leave, the Committee considered that this one further question to clarify the situation did not represent a failure to respect a request to desist. This question was simply an inquiry as to Mr Hicks' whereabouts, as the person the reporter wished to speak with, and was natural and reasonable in circumstances where this was unclear. The conversation then concluded immediately, and the reporter left. The Committee was satisfied that the reporter had respected the complainant's request to desist, and there was no suggestion that he had been intimidating or aggressive during this approach. There was therefore no breach of Clause 3(i) or Clause 3 (ii) on this point. Furthermore, while it was unfortunate that the reporter had asked to speak to the complainant's brother without knowing that he was, in fact, one of those who had died, he had handled the approach with appropriate sympathy and discretion in accordance with the requirement of Clause 4.

19. The Committee noted the complainant's position that the same reporter had returned to her home on a different day following his first approach. However, the reporter had denied returning to her property and had provided a full account of his activities on the morning she alleged he had returned to her home. The Committee was unable to establish that it was the same reporter who had approached the complainant's home on the second occasion. There was therefore no breach of Clause 3 or Clause 4 on this point.

#### Conclusions

20. The complaint was not upheld

#### Remedial Action

21. N/A

## Appendix C

### Decision of the Complaints Committee 04850-19 Young v Teesside Live

#### Summary of Complaint

1. Emma Young complained to the Independent Press Standards Organisation that Teesside Live breached Clause 4 (Intrusion into grief or shock) and Clause 5 (Reporting of suicide) of the Editors' Code of Practice in an article headlined "'Ellie fell into the darkness – and I heard a thud': Dangling teen lost grip and plunged 150ft" published on 18 June 2019.

2. The article was a report of the complainant's daughter's inquest. The article reported the height and name of the local viaduct that the complainant's daughter fell from, and reported that she had accessed the viaduct through local woods. This was partly illustrated by a photograph of the viaduct. It reported that the inquest heard that a friend had found the complainant's daughter sitting on the edge of the viaduct – when the complainant's daughter took hold of a metal railing at the top of viaduct, the friend grabbed hold of her wrist and jumper to try and restrain her. The article reported that the complainant's daughter had "dangled" for a minute over the edge of the viaduct whilst her friend kept hold of her wrist. However, the article reported that the friend told the inquest that "I had to let go" and "[Complainant's daughter] fell into the darkness – and I heard a thud".

3. The article also reported the details of the complainant's daughter's post-mortem, and information about her mental health history. It also reported what was heard during the inquest about difficulties in the complainant's daughter's romantic relationship.

4. The complainant said that the article breached Clause 5 as it included a level of detail as to her daughter's method of suicide that was excessive and could enable simulative acts. She said that she was not previously aware how the viaduct could be accessed – she said that the inclusion of the photograph, reporting that her daughter had walked through the woods and along the railway track, and then explaining how she climbed across the iron railing and sat on the edge, revealed that a jump was possible, and would almost certainly end a person's life.

5. The complainant also said that the article breached Clause 4. She said that she understood that publications were free to report inquest proceedings, but that the headline reference to the "thud" that her daughter made when she fell was extremely distressing to her family, as was the article's focus on her daughter's relationships. Likewise, she said that the description of her daughter as a "dangling teen" was sensational and insensitive, and noted that these words were not heard during the inquest.

6. The publication did not accept that it had breached the Code; however it recognised that the article had caused the complainant and her family distress. It said that in relation

to Clause 5, reporting the location of a death or how to access it did not constitute detail of a suicide method – any place which was high up was clearly potentially dangerous. It said that detailing how to get to a place did not constitute detail as what to do next. In relation to Clause 4, it said that the references to “thud” and the complainant’s daughter’s relationships were quotations from the inquest; it was entitled to quote freely from proceedings. In relation to the description of the complainant’s daughter as a “dangling teen”, it said that this was an accurate summary of the complainant’s daughter’s friend’s inquest statement, in which she explained how she had held on to the complainant’s daughter’s arm for approximately a minute as she was suspended from the viaduct. It said that although there was no intention to cause upset, the facts of the complainant’s daughter’s death, as told by her friend during the inquest, were upsetting in itself; simply accurately summarising this could not be described as insensitive or gratuitous. It noted that the article was removed by the publication after it was contacted by the complainant directly as a gesture of goodwill, and offered to write her a private letter of apology if this would resolve her complaint.

#### Relevant Code Provisions

##### 7. Clause 4 (Intrusion into grief or shock)

In cases involving personal grief or shock, enquiries and approaches must be made with sympathy and discretion and publication handled sensitively. These provisions should not restrict the right to report legal proceedings.

##### Clause 5\* (Reporting Suicide)

When reporting suicide, to prevent simulative acts care should be taken to avoid excessive detail of the method used, while taking into account the media's right to report legal proceedings.

#### Findings of the Committee

8. The Committee expressed its sympathies to the complainant, and recognised the distressing circumstances surrounding this complaint.

9. The Committee considered that location may constitute a detail of the method of suicide. In this case, where the location of death was central to the method of suicide, Clause 5 was engaged. The report of the incident did not include a level of detail which was excessive given that, without reading the article, readers would understand that jumping from an extreme height could be fatal. The additional details highlighted by the complainant, including how her daughter reached the viaduct and that she had climbed over the viaduct railings, did not constitute excessive detail in breach of Clause 5.

10. Clause 4 requires that publication is handled sensitively in reporting cases involving grief or shock. Although reporting evidence heard during an inquest can be very upsetting to families or friends, deaths affect whole communities and the obligation to handle

publication sensitively does not restrict the right to report legal proceedings including inquests. The word “thud” was a direct quote from evidence heard at the inquest, as were the published details about the complainant’s daughter’s relationship. There was no breach Clause 4.

11. The description of the complainant’s daughter as a “dangling teen” was not a direct quote from evidence heard at the inquest, and the Committee recognised that this had the potential to cause distress to the complainant. The inquest had heard distressing testimony about the events leading up to the complainant’s daughter death and the Committee considered that the description in the headline was justified as a summary of this testimony. The article did not go beyond what was heard at the inquest, and did not mock or belittle the complainant’s daughter. There was no failure to handle publication sensitively, and no breach of Clause 4.

#### Conclusions

12. The complaint was not upheld.

#### Remedial Action

13. N/A



## Appendix D

### Decision of the Complaints Committee 02021-19 A Woman & A Man v The Bolton News

#### Summary of Complaint

1. A woman and a man complained to the Independent Press Standards Organisation that The Bolton News breached Clause 1 (Accuracy), Clause 2 (Privacy) and Clause 3 (Harassment) in the preparation and publication of an article which was published in March 2019.

2. The article reported on a father's account of "facing the nightmare that his children will soon have a convicted paedophile as a step-father". It said that a convicted child sex abuser, who it named as the male complainant, was soon to marry the man's ex-wife, who lives with their three children. It reported that the male complainant "was convicted of abusing and grooming a 14-year-old girl in 2011" and said that he had used internet chatrooms to groom her before having sex with her on multiple occasions. It noted that he was sentenced to seven years in jail with an extended licence of eight years, and was placed on the sex offenders' register for life, and quoted a police officer's comment at the time that his "'propensity for young girls is clear'". The article stated that he had been released on licence in 2014, and that "there is no suggestion he has committed any further offences since his release".

3. The article described the father's "horror" at discovering the male complainant's past convictions. It said that the children "were subject to a child protection plan but were removed from the register by Bolton Children's Services earlier this year"; it said that a spokesman for the Council "explained that they had reached a point where the plan was no longer necessary", stating that "'the decision to remove a child protection plan...is only taken when it is agreed that a child is no longer at risk of serious harm'".

4. The article stated that, under the terms of the male complainant's release "it is believed [he] cannot spend a night at his girlfriend's house when there are children present, according to the dad". The article stated that "when he marries his bride, the pair will only be able to be in the presence of the children if there is another adult present, it is understood". The article stated that "the mother" – the female complainant – had declined to comment.

5. The article also appeared online in substantially the same format.

6. The complainants said that the use of the term "paedophile" to describe the male complainant was inaccurate in breach of Clause 1 (Accuracy). They said that this term referred to a persistent and focused attraction to prepubescent children, which was not reflected by the facts of the male complainant's conviction. They also said that it was inaccurate for the article to state that the children involved in the case were removed from the child protection register earlier in 2019, when they had been removed in 2017, as the

female complainant had stated in a phone call to the editor. The complainants noted that social services' involvement had continued after the children were removed from the register, until at least 2018. The complainants also said that it was inaccurate for the article to state that the male complainant had to have another adult – distinct from the female complainant - present when interacting with the children involved. The female complainant said that she had stated this on the telephone to the editor prior to publication, and that the Probation Service and Children's Services had confirmed to her that they did not provide this information to the publication. The complainants accepted that the male complainant was not able to stay overnight at the children's home.

7. The complainants also said that the article breached Clause 2 (Privacy) by reporting details of their domestic living arrangements, and repeating the claim that they had to have another adult present when in the presence of the children.

8. The complainants also said that the conduct of the publication's employees in the preparation of the article breached Clause 3 (Harassment). They said that the editor's behaviour during phone calls was antagonistic and intended to cause the female complainant distress and upset, for instance by repeatedly referring to the male complainant as a "paedophile" or "rapist". They said that the editor shouted at the female complainant on the phone, despite it being clear that her baby was crying at the time.

9. The publication denied that the use of the term "paedophile" was inaccurate. It said that this term was in common usage in relation to any individual who had had unlawful sexual relations with a child; it said that the male complainant had been convicted of abusing and grooming a child, and engaging in sexual activity with a child, in 2011, and was still on licence for these offences, which had led to a seven-year jail term, and to the complainant being placed on the sex offenders register for life. The publication said that a police officer had stated publicly, in reference to the complainant's conviction, that his "propensity for young girls is clear".

10. The publication said that the information regarding the time the children had been removed from the register had been provided by the local council, and had been checked again prior to publication, following a conversation with the female complainant in which she had declined to comment on this point, but stated that it was incorrect. It noted that the female complainant had refused to comment on the record, and had not been willing to provide the correct position on this point. The publication also denied that the article gave an inaccurate account of the male complainant's licence conditions, with respect to his contact with the children. It said that this was supported by a statement provided by the Probation Service, and by guidance given by a named official at the Ministry of Justice, who, when presented with the facts of the complainants' case, had commented to the effect that the male complainant would be unable to be alone in the presence of the relevant children, and that he would not be able to be in their presence with only the female complainant present, without a chaperone. The publication said that it had attempted to put this point to the female complainant prior to publication, but while she had said it was untrue, she had declined to put the correct position on record. The publication said that its journalist had made shorthand notes of her conversations with the

named Ministry of Justice official, which had been used in the publication's initial responses to the complainant, but these had subsequently been misplaced. In its first response to the complaint, the publication offered to issue a clarification on these points, if the complainants would supply the correct position. When it became apparent during the course of IPSO's investigation that the complainants would consider such an offer, and when they had provided the correct position in relation to these points, the publication offered the wording below. It said this would appear on its online homepage for 24 hours before being archived in the usual way, and on page 5 of its print edition:

CLARIFICATION: [NAMED PARTY]

In an article headlined "[headline]", published in March, we described the case of a father whose children would "soon have a convicted paedophile as a step-father". We said that the step-children in question had been removed from the child protection plan "earlier this year", and that the step-father, [named party], "will only be able to be in the presence of the children if there is another adult present", in addition to his wife. Since the article was published, the couple have contacted us to say that the step-children were in fact removed from the child protection register in early 2017. They also say that [named party] can spend time with the step-children supervised only by his wife, and that this contact does not need to be supervised by a third adult. We are happy to put their position on the record.

11. The publication also denied any breach of Clause 2 (Privacy). It said that the details of the male complainant's convictions were already in the public domain, and he had been extensively identified in relation to them. It therefore denied that the story added to the existing risk of identification of the family as being connected to him; any such risk arose from the publicly-conducted nature of the complainants' relationship. The publication said that it had nevertheless taken steps to remove identifying details from the article, by avoiding using any photographs of the male complainant; by omitting to name the female complainant, her children, and the man whose account was reported; and by omitting to refer to the number of children involved. It noted that there was a strong public interest in the publication of the story, given that it contributed to debate about the accommodation of serious child sex offenders in society after their release from prison, and about the concerns of divorced ex-partners for the welfare of their children in such circumstances.

12. The publication also denied any breach of Clause 3 (Harassment). It said that there was a significant public interest in the story, and that its conduct was reasonable and proportionate. It said that its editor had contacted the female complainant by telephone on three occasions – firstly, to offer her a chance to participate in the story; secondly, to respond to concerns she had raised regarding its publication; and thirdly, to request a copy of a court order she had indicated would have bearing on the matter. It said that when it was asked to desist contacting the complainant by telephone, it had done so, despite further calls from her to its own newsroom.

13. The complainants declined the publication's offer of clarification.

### Relevant Code Provisions

#### 14. Clause 1 (Accuracy)

- i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.
- ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.
- iii) A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.
- iv) The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact.

#### Clause 2 (Privacy)\*

- i) Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications.
- ii) Editors will be expected to justify intrusions into any individual's private life without consent. In considering an individual's reasonable expectation of privacy, account will be taken of the complainant's own public disclosures of information and the extent to which the material complained about is already in the public domain or will become so.

#### Clause 3 (Harassment)\*

- i) Journalists must not engage in intimidation, harassment or persistent pursuit.
- ii) They must not persist in questioning, telephoning, pursuing or photographing individuals once asked to desist; nor remain on property when asked to leave and must not follow them. If requested, they must identify themselves and whom they represent.
- iii) Editors must ensure these principles are observed by those working for them and take care not to use non-compliant material from other sources.

#### The Public Interest

There may be exceptions to the clauses marked \* where they can be demonstrated to be in the public interest.

1. The public interest includes, but is not confined to:

- Detecting or exposing crime, or the threat of crime, or serious impropriety.

- Protecting public health or safety.
- Protecting the public from being misled by an action or statement of an individual or organisation.
- Disclosing a person or organisation's failure or likely failure to comply with any obligation to which they are subject.
- Disclosing a miscarriage of justice.
- Raising or contributing to a matter of public debate, including serious cases of impropriety, unethical conduct or incompetence concerning the public.
- Disclosing concealment, or likely concealment, of any of the above.

2. There is a public interest in freedom of expression itself.

3. The regulator will consider the extent to which material is already in the public domain or will become so.

4. Editors invoking the public interest will need to demonstrate that they reasonably believed publication - or journalistic activity taken with a view to publication – would both serve, and be proportionate to, the public interest and explain how they reached that decision at the time.

5. An exceptional public interest would need to be demonstrated to over-ride the normally paramount interests of children under 16.

#### Findings of the Committee

15. In relation to the article's claims regarding the children's removal from the child protection register and the male complainant's licence conditions, the publication said that it contacted the relevant official bodies, although it could not provide notes of the telephone conversations, which was regrettable. The publication had also taken steps to verify these claims with the complainants, by contacting them directly and at length multiple times prior to the publication of the article - but they had declined to make any on-the-record comment on these points in order to set out the correct position. In these circumstances, the Committee did not consider that there was any failure to take care over these claims, and there was no breach of Clause 1(j). The Committee then turned to consider whether it was significantly inaccurate or misleading to report these claims.

16. The Committee noted that the complainants accepted that the male complainant would not be permitted to be alone with the children who were referenced in the article and to stay in the same house as them overnight, but that they said that it was not a requirement that a third individual also be present, as the article had reported. The Committee noted that the article had not reported the situation as categorical fact, only that it was "understood" that the arrangements were as described. Where it was accepted that measures were in place which imposed restrictions on the male complainant's contact with the children, the Committee did not consider that the presentation of the arrangements in the article was significantly misleading so as to require correction. Nevertheless, the Committee welcomed the publication's offer to clarify this point, which had been made promptly following receipt of the complaint.

17. Similarly, where it was not in dispute that the children in question had been subject to a child protection plan, where it was accepted that social services' involvement had continued until relatively recently after the removal of the plan, and where the article made clear the reasons for this plan being removed, based on a statement from the Council, the Committee did not consider that the year in which they were removed from the plan was significant in the context of the article. The article did not give rise to any significantly misleading impression that required correction on this point. There was no breach of Clause 1(ii) with respect to either point.

18. The Committee noted the complainants' position that the male complainant was not a paedophile, because he did not have an attraction to prepubescent children, and the offence for which he was committed did not involve such children. However, the term "paedophile" is also in common usage to describe individuals who have been convicted of a sexual offence against an older child. The complainants did not dispute that, as the article reported, the male complainant had been convicted of "abusing and grooming a 14-year-old girl...before having sex with her on multiple occasions". Where the article made clear the nature of the male complainant's conviction, it was not misleading to describe him as a "paedophile". There was no breach of Clause 1 on this point.

19. Turning to the complaint under Clause 2 (Privacy), the Committee noted that the publication had not named the female complainant and her children; however, where the male complainant was identified by name, there was a possibility that they too would be identified. The man whose views were reported in the article had a right to freedom of expression in relation to his position.

20. The Committee noted that the information regarding the male complainant's conviction was in the public domain, and reporting on this matter did not intrude into his privacy. The publication said that the information regarding the arrangements concerning the complainants' children had been released by the relevant authorities; however, it was not able to provide any evidence to support this position. In these circumstances, the Committee considered that reporting details of the arrangements which concerned the children was information in respect of which the female complainant and her children had a reasonable expectation of privacy, publication of which was intrusive. This information was not otherwise in the public domain and, therefore, the publication needed to demonstrate an exceptional public interest to avoid a breach of Clause 2.

21. The Committee accepted that there was a public interest in publishing the concerns of the father about the contact his children was having with an individual who had been convicted of child sex offences. The question for the Committee was whether the public interest was exceptional so as to justify the inclusion of the information concerning the arrangements relating to the children. The Committee considered that the report contributed to a debate on a subject which had an exceptional public interest given that it concerned the welfare of potentially vulnerable members of society. In all these circumstances, the Committee considered that the private information published in the article was justified in the public interest. There was no breach of Clause 2.

22. The female complainant had spoken with the editor by telephone on a number of occasions. The complainants had not suggested that the editor had ignored any request to desist in contacting them and therefore, with the benefit of the recordings, the Committee considered whether the conduct of the editor during these calls amounted to intimidation or harassment. At times, the conversations had touched on sensitive and difficult topics, and the tone of the conversations had been heated on both sides. However, it was clear that the purpose of the phone calls was to give the complainants the opportunity to respond to the matters which were to be published in the article. The female complainant had engaged fully in these discussions, continuing the conversations for long periods on each occasion, including after they had become heated. While the Committee accepted that the phone calls had caused the female complainant distress, the Committee did not consider that the editor had behaved in such a way which amounted to intimidation. There was no breach of Clause 3 (Harassment).

#### Conclusions

23. The complaint was not upheld.

#### Remedial action required

24. N/A

## Appendix E

### Decision of the Complaints Committee 05046-19 Powell-Smith v The Mail on Sunday Summary of complaint

1. Anna Powell-Smith complained to the Independent Press Standards Organisation that The Mail on Sunday breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "Corbyn 'war on homeowners'", published on 23 June 2019.

2. The article reported that the Labour Party had proposed to "grab more inheritances and tax profits on family house sales" in a report commissioned by the party entitled "Land for the Many". The article's opening sentence stated that "Homeowners would be taxed on the increase in the value of their home under bombshell plans being drawn up by Labour leader Jeremy Corbyn". The second sentence went on to explain that "The proposal to scrap the Capital Gains Tax exemption on main homes would force owners to pay income tax on the profits when they move home – and lead to a 'double whammy' levy on their estates when the owners die." The article said that Boris Johnson had "described the plan as a 'mad' house tax which would 'cripple every Brit who owns or wants to own their home'". The article also quoted Shadow Cabinet Minister Jon Trickett who had "described the report as 'ground breaking' and 'part of our policy development process for the next General Election'". It also stated that the Labour Party had "insisted that the homes tax 'was not under consideration' for the next manifesto".

3. The article also appeared online under the headline "Corbyn's 'war on homeowners': Proposal to grab more inheritances and tax profits on family house sales (this from the man who grew up in a 17th Century mansion)". The first subheading said "Proposal to scrap capital gains tax exemption on main homes comes in a new report commissioned for Labour"; and the second subheading said "Land For The Many proposal would force owners to pay income tax on home profits when they move".

4. The complainant, who had been involved in the production of the Land for the Many report, said that the article was inaccurate. She said that the report did not recommend scrapping the current exemption from Capital Gains Tax for main residences at any point as reported, and in fact had rejected this policy altogether and acknowledged the controversy of such a recommendation. She noted that the report said "Applying a Capital Gains Tax to main residences too would allow us to limit the wealth inequality arising from the housing boom, but would be controversial and would make it difficult for some households to buy properties of equivalent value when moving house".

5. The complainant also said that the article claimed that their report had cited, with approval, research from a third party organisation advocating the removal of the exemption for main residences. She said this was inaccurate as the third party research did not make this recommendation. The complainant acknowledged that the cited research stated that "This reform would involve removing most exemptions, allowances, and reliefs that currently exist for both Capital Gains Tax and dividend taxes". However, the article had excluded a later sentence from the cited research which stated "We propose



that the exemption on primary residences is retained". The complainant said that the article was misleading by virtue of excluding this sentence. The cited research had proposed scrapping the entire Capital Gains Tax system but this was irrelevant in respect of main homes, which sit outside of the Capital Gains Tax system, and would remain so under the proposed replacement in the cited research. Further, while the report had recognised the organisation's report as sensible, it was not recommended by the "Land for the Many" report as claimed in the article; the report did not directly or indirectly support extending Capital Gains Tax to main homes.

6. The newspaper denied a breach of Clause 1. It said that the thrust of its article was accurate; namely, that the Land for the Many report had advanced the idea that property owners should pay tax that is more closely linked to the increase in value of their homes. The newspaper noted that in the words of the report one of its functions was to "discourage people from treating homes as speculative assets". The newspaper also noted that the report had described increases in property value as "un-earned windfalls" and "un-earned gains" and had stated that "taxing income derived from asset price appreciation, which requires no work to obtain, at a lower rate than income derived from Labour which requires significant exertion on the part of the worker, is intuitively unfair". The newspaper said that the report did suggest removing the exemption for main homes from Capital Gains Tax to address this issue, albeit later noting its controversy. The newspaper said that the report approved a proposal by the third party research to abolish the existing Capital Gains system through income tax. It said that the complainant's report and the report it cited proposed taxing gains through a new "progressive property tax" which was levied annually depending on the increase in the home's value. The newspaper emphasised that the proposals all amounted to taxing capital gains on house-owners' main residences; it was not inaccurate for the article to report that the Land for the Many report proposed a tax on the gains in capital value of main homes.

7. The complainant said that the newspaper's position that the "progressive property tax" represented a tax on capital gains was incorrect. The proposed tax is a tax paid on the total value of the home, levied annually, and based on regular revaluation, whereas Capital Gains Tax is charged as a proportion of the capital gains to the value of an asset, levied when that asset is sold. In any event, the report proposed no changes to the Capital Gains Tax regime for main homes.

8. Notwithstanding its position that there was no breach of the Code, the newspaper acknowledged that readers may have understood that the report proposed scrapping the existing Capital Gains Tax exemption for main residences. It offered to amend the online article and add a footnote setting out what the amendments were. It also offered to publish the following clarification in its Corrections & Clarifications column in print and online on 18 July 2019, 13 days after it received the complaint.

9. A news article on June 23 suggested the Labour Party is planning to charge Capital Gains Tax on the sale of main homes, taxing owners when they move house. In fact the Labour report, 'Land for the Many' does not make this recommendation. It recommends

taxing increased property values by other methods. We are happy to set the record straight.

10. During IPSO's investigation, the publication offered the following wording on the same terms to further clarify matters:

An article on June 23 said Labour has plans to scrap the Capital Gains Tax exemption on main homes, taxing home-owners on increased property values when they move house. In fact this idea is rejected by the Labour report 'Land For The Many' which, instead, proposes a 'Progressive Property Tax' based on the current value of homes, levied annually and based on regular revaluation. We apologise for our mistake.

#### Relevant Code Provisions

11. Clause 1 (Accuracy)

i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.

ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.

iii) A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.

iv) The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact.

#### Findings of the Committee

12. The Committee noted the newspaper's position that the "progressive property tax" recommended in the Land for the Many report advocated taxing gains which arose from the increase in value of main homes. However, the article reported that it had proposed scrapping the existing Capital Gains Tax exemption on main homes, when in fact it had categorically ruled this out and had proposed alternative reforms. These would see an annual levy on the increase in value of a property, which would be determined by regular valuations. This proposal was significantly different to Capital Gains Tax, which is paid on the capital gain which arises at the time that an asset is sold.

13. In addition, the Land for the Many report had not referred "approvingly" to research from a third party organisation advocating the removal of the Capital Gains Tax exemption for primary residences, as reported. In fact, this third party research had recommended the removal of the Capital Gains system in its entirety, which would have no impact on main homes given that they are exempted from the Capital Gains Tax regime.

14. The Committee was concerned that the publication had inaccurately reported information featured clearly within a publicly accessible policy document. The inaccuracy had featured prominently as it formed the central basis of the article, and it had been emphasised in the bullet points of the online version. This represented a failure by the newspaper to take care not to publish inaccurate information in breach of Clause 1(i).

15. The Committee considered that readers would understand from the article that the Land for the Many report and, by extension, the Labour Party had proposed that Capital Gains Tax be paid in respect of main residences, which are currently exempt. The Committee considered that the article could cause readers to understand that, under a Labour government, they could be liable to pay a tax from which they are currently exempt. The newspaper had published significantly inaccurate information, and a correction was required under the terms of Clause 1(ii).

16. The newspaper had offered to publish a correction in print in its Corrections and Clarifications column within 13 days of receiving the complaint from IPSO. The wording of the correction made clear that the Land for the Many report did not make the recommendations, as reported. However, given the prominence of the inaccuracy and the fact that it was the central point of the story, the Committee considered that this was insufficient to meet the requirement of Clause 1(ii).

### Conclusion

17. The complaint was upheld under Clause 1(i) and Clause 1(ii).

### Remedial action required

18. Having upheld the complaint, the Committee considered what remedial action should be required. In circumstances where the Committee establishes a breach of the Editors' Code, it can require the publication of a correction and/or adjudication. The nature, extent and placement of which is determined by IPSO.

19. The Committee considered that there was a serious breach of Clause 1(i), which was not incidental. Reporting that Labour had proposed to remove the exemption for main homes from paying Capital Gains Tax had the potential to cause serious and significant concerns for readers. The correction offered by the newspaper was insufficient to address this significant inaccuracy, which had formed a central point in the article. In light of these considerations, the Committee concluded that that an adjudication was the appropriate remedy.

20. The Committee considered the placement of this adjudication. The article had appeared on page 16, however the Committee considered that the failure to take care over accuracy was significant as to warrant publication on page 2. The Committee therefore required that its adjudication be published on page 2, or further forward in the newspaper. The headline to the adjudication should make clear that IPSO has upheld the

complaint, give the title of the newspaper and refer to the complaint's subject matter. The headline must be agreed with IPSO in advance.

21. The adjudication should also be published online, with a link to this adjudication (including the headline) being published on the top 50% of the publication's homepage for 24 hours; it should then be archived in the usual way. The headline to the adjudication should make clear that IPSO has upheld the complaint, give the title of the publication and refer to the complaint's subject matter. The headline must be agreed with IPSO in advance. The publication should contact IPSO to confirm the amendments it now intends to make to the article to avoid the continued publication of material in breach of the Editors' Code of Practice. If the article remains online, the full adjudication (including the headline) should appear below the headline. The terms of the adjudication for publication are as follows:

Following an article published on 23 June 2019 in the Mail on Sunday, headlined "Corbyn 'war on homeowners'", Anna Powell-Smith complained to the Independent Press Standards Organisation that the newspaper had breached Clause 1 (Accuracy) of the Editors' Code of Practice. IPSO upheld this complaint and has required the Mail on Sunday to publish this decision as a remedy to the breach.

The article said that a report commissioned by Labour named "Land For The Many" had proposed scrapping the Capital Gains Tax exemption on main homes, and that the same report had "approvingly" cited proposals by another research institute for primary residences to no longer be exempt from Capital Gains Tax.

The complainant said that the commissioned report did not propose scrapping the Capital Gains Tax exemption on main homes, nor did it approvingly cite proposals by another report to scrap the exemption. The publication said that while the report did not propose scrapping the exemption for main homes from paying the existing Capital Gains Tax, the article was not inaccurate as the Land for the Many report proposed an alternative tax on the gains in capital value of main homes.

IPSO found that the report had in fact rejected proposals to scrap the Capital Gains Tax exemption for main homes, and instead recommended an annual levy on the increase in value of a property. The third party report had recommended scrapping the entire Capital Gains Tax system, which would not have affected main homes by virtue of them being exempt in the first place. The inaccuracy had featured prominently as it formed the central basis of the article and IPSO's Complaints Committee considered that the article could cause significant concern to readers that, under a Labour government, they could be liable to pay a tax they are exempt from under current legislation.

IPSO found that the publication had failed to take care in reporting the recommendations made in a publicly available policy document in breach of Clause 1.